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Filing date: **08/18/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214030
Party	Plaintiff Nutrishop, Inc.
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Submission	Motion to Consolidate
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Date	08/18/2015
Attachments	2015-08-18 Opposer's Stipulated Motion to Consolidate Opposition Proceedings.pdf(145767 bytes)

where the cases involve common questions of law or fact. When determining whether to consolidate proceedings, the Board weighs the savings in time, effort, and expense, which may be gained from consolidation, against any prejudice or inconvenience that may be caused thereby. *Id.* The Board also considers the identity of the parties. *Id.*

The current Oppositions involve common questions of law and fact, and the same parties. Opposer asserts identical common law rights and registrations for marks that include NUTRISHOP. Each of the opposed applications are for related goods and were filed by the same Applicant. Applicant's Answers to the Oppositions raise the same issues and defenses. Opposer and Applicant are the only parties involved in the Oppositions.

Consolidation will save the Board and the parties the time, effort, and expense that would be required in maintaining the Oppositions on separate schedules. This motion is sought for purposes of judicial economy and not for reasons of delay. To avoid duplicative litigation and promote judicial economy, while preserving the interest of the parties in the Oppositions, the above Oppositions should be consolidated into one proceeding.

For the reasons set forth above, Opposer requests consolidation of Opposition Nos. 91211683 and 91211679 with Opposition No. 91214030 while retaining the separate character of the Oppositions and requiring separate judgments for each of the Oppositions pursuant to Fed. R. Civ. P. 42(a) and T.B.M.P. § 511.

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Opposer further requests that the Board reset the remaining dates in Opposition Nos. 91211683 and 91211679 so that they proceed on the same schedule as Opposition No. 91214030.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 18, 2015

By: 


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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S STIPULATED MOTION TO CONSOLIDATE OPPOSITION PROCEEDINGS** has been served on applicant's counsel by mailing one copy on August 18, 2015 via First Class mail, postage prepaid to:

BRIAN C KUNZLER
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8 E BROADWAY, STE 600
SALT LAKE CITY, UTAH 84111-2222

Date: August 18, 2015

Signature: 

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